

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X)	
ASPEN TECHNOLOGY, INC.,)	
Plaintiff,)	
)	Civil Action No. 01 CV 11602 EFH
v.)	
)	ORDER AND JUDGMENT
ASPEN TECHNOLOGIES, INC.,)	<u>ON CONSENT</u>
Defendant.)	
-----X)	

The parties hereto having agreed to settle the matters at issue between them by the entry of this Order and Judgment on Consent,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the defendant Aspen Technologies, Inc., and over the subject matter at issue.
2. The plaintiff, Aspen Technology, Inc., has valid and subsisting trademark rights in the trademarks: ASPEN TECHNOLOGY, INC. and ASPENTECH.
3. The plaintiff, Aspen Technology, Inc., has valid and subsisting trade name rights in the names Aspen Technology, Inc., and AspenTech.
4. The defendant, Aspen Technologies, Inc., is ordered and directed to use commercially reasonable efforts to eliminate usage of "ASPEN TECHNOLOGY", "ASPEN TECHNOLOGIES", "ASPENTECH", "ASPEN TEK" or any confusingly similar term in the promotion of its goods and services and cease infringement of the ASPEN TECHNOLOGY, INC. and ASPENTECH trademarks of the plaintiff. After 30 days from the date of entry of this Order, the defendant, Aspen Technologies, Inc., and any entity through which it does business, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order and Judgment by personal service

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or otherwise, are hereby permanently and finally enjoined from utilizing ASPEN TECHNOLOGY, INC., ASPENTECH or any confusingly similar term (such as "ASPEN TECHNOLOGIES, INC." or "ASPENTEK") to promote its goods and services and from infringing the ASPEN TECHNOLOGY, INC. and ASPENTECH trademarks of the plaintiff.

5. The defendant, Aspen Technologies, Inc., is ordered and directed to use commercially reasonable efforts to eliminate usage of "Aspen Technology", "Aspen Technologies", "AspenTech", "AspenTek" or any confusingly similar term as a trade name for its company. After 30 days from the date of the Agreement, the defendant Aspen Technologies, Inc., and any entity through which it does business, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order and Judgment by personal service or otherwise, are hereby permanently and finally enjoined from utilizing "Aspen Technology", "Aspen Technologies", "AspenTech", "AspenTek", or any confusingly similar term as a trade name for its company.

6. The defendant, Aspen Technologies, Inc., is ordered and directed to use commercially reasonable efforts to eliminate usage of the domain name ASPENTEK.COM or any confusingly similar term in the promotion of its goods and services and cease infringement of the ASPEN TECHNOLOGY, INC. and ASPENTECH trademarks of the plaintiff. After one year from the date of the Agreement, the defendant, Aspen Technologies, Inc., and any entity through which it does business, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order and Judgment by personal service or otherwise, are hereby permanently and finally enjoined from utilizing ASPENTEK.COM, any confusingly similar term to promote its goods and services and

from infringing the ASPEN TECHNOLOGY, INC. and ASPENTECH trademarks of the plaintiff.

7. The defendant Aspen Technologies, Inc., and any entity through which it does business, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order and Judgment by personal service or otherwise, are hereby permanently and finally enjoined from filing or maintaining an application for the registration of the mark ASPEN TECHNOLOGY, ASPEN TECHNOLOGIES, ASPENTECH, ASPEN TEK, or any mark that includes the terms "ASPEN TECHNOLOGY", "ASPEN TECHNOLOGIES", "ASPENTECH", "ASPEN TEK", or any confusingly similar term with the United States Patent and Trademark Office.

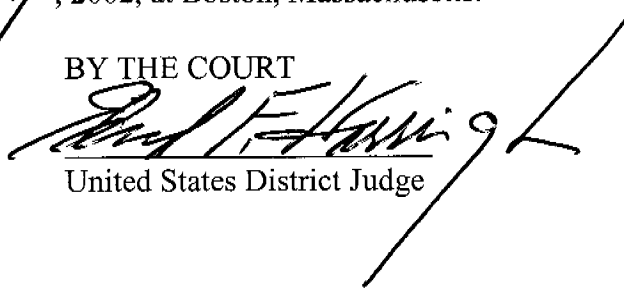
8. This Order and Judgment on Consent replaces and supercedes all prior orders in this action.

9. The jurisdiction of this Court shall be retained to enforce this Order and Judgment on Consent.

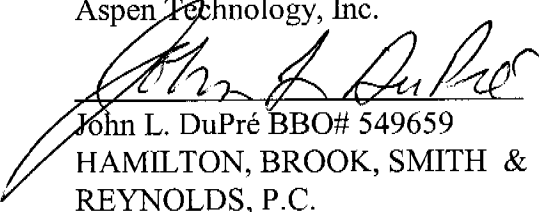
10. The parties hereto hereby waive any appeal.

ENTERED this 13 day of May, 2002, at Boston, Massachusetts.

BY THE COURT


United States District Judge

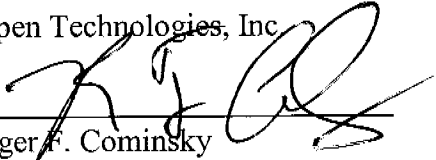
Agreed on behalf of the Plaintiff
Aspen Technology, Inc.



John L. DuPré BBO# 549659
HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

Attorney For Plaintiff

Agreed on behalf of the Defendant
Aspen Technologies, Inc.



Roger F. Cominsky
Saperston & Day, P.C.
1100 M&T Center, Three Fountain Plaza
Buffalo, New York 14203-1486
716-566-1413

Attorney for Defendant

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